

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STANLEY MCGUFFIN,

Case No. 05-74809

Plaintiff,

DISTRICT JUDGE
ARTHUR J. TARNOW

v.

MICHAEL BAUMHAFT, *et al.*,

MAGISTRATE JUDGE
VIRGINIA M. MORGAN

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [DE 61], and
DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO
DISMISS [DE 48]

Before the Court is a motion for dismissal/summary judgment or partial dismissal/partial summary judgment of plaintiff's claims, filed by defendants Michael Baumhaft, Universal Homes LLC, Midwest Express Funding, Inc., Investors Funding LLC, City Energy LLC, Energy Source LLC, Action Lending Solutions LLC, Shelley Letzer, and Michael Letzer. A Report and Recommendation [DE 61] was filed, recommending that the motion be denied. The Court heard oral argument on this motion on March 27, 2007.

The Court has reviewed the Report and Recommendation and objections thereto, the relevant pleadings, and oral arguments. The Court agrees with the Report and Recommendation. However, at oral argument, the Court was apprised that defendant has an appeal pending in the South Carolina Bankruptcy Court related to

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the judgment at issue in this case. Accordingly,

IT IS HEREBY ORDERED that Report and Recommendation [DE 44] be ADOPTED as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that Defendants' motion to dismiss [DE 12] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendants may re-instate this motion by letter to the Court, following the final ruling on the South Carolina Bankruptcy Court appeal, should circumstances so warrant.

SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: March 28, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 28, 2007, by electronic and/or ordinary mail.

s/Theresa E. Taylor
Case Manager